

CLAIM AMENDMENTS

The listing of claims below replaces prior versions of claims in the application:

Claims 1-8 are CANCELED.

9. (CURRENTLY AMENDED) A method for facilitating speedy communication of packets between entities on a network through a communication device, the method comprising:

 sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

 immediately thereafter, sending at least one “push” packet to avert a transmission delay between packets in the set, wherein the “push” packet forces the transmission of the set of packets by the communication device to avoid the transmission delay is caused by packet buffering ~~of a~~ by the communication device on the network.

10. (ORIGINAL) A method as recited in claim 9, wherein the set of packets includes two packets sent back-to-back.

11. (ORIGINAL) A method as recited in claim 9, wherein the set of packets are bandwidth-measurement packets for measuring bandwidth between the sending entity and the receiving entity.

1 12. (ORIGINAL) A method as recited in claim 9, wherein the
2 communication device is a proxy server.

3
4 13. (ORIGINAL) A method as recited in claim 9, wherein the network is
5 TCP.

6
7 14. (ORIGINAL) A program module having computer-executable
8 instructions that, when executed by a computer, performs the method as recited in
9 claim 9 at an application layer in accordance with an OSI model.

10
11 15. (ORIGINAL) A computer-readable medium having computer-
12 executable instructions that, when executed by a computer, performs the method
13 as recited in claim 9.

14
15 Claims 16-25 are CANCELED.

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17 26. (CURRENTLY AMENDED) A method for facilitating bandwidth
18 measurement between two entities on a network through a communication device,
19 the method comprising:

20 sending a pair of bandwidth-measurement packets from a sending entity to
21 a receiving entity, wherein a transmission delay between packets in the pair is
22 intolerable;

23 immediately thereafter, sending at least one "push" packet to avert a
24 transmission delay between packets in the pair, wherein the "push" packet forces
25 the transmission of the set of packets by the communication device to avoid the

1 transmission delay is caused by packet buffering ~~of a~~ by the communication
2 device on the network.

3
4 27. (ORIGINAL) A method as recited in claim 26 further comprising
5 receiving a bandwidth calculation based upon measurements related to the pair of
6 packets.

7
8 28. (CANCELED)

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10 29. (CANCELED)

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12 30. (CANCELED)

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14 31. (CURRENTLY AMENDED) A computer-readable medium having
15 computer-executable instructions that, when executed by a computer, perform a
16 method to facilitate speedy communication of packets between entities on a
17 network through a communication device, the method comprising:

18 sending a set of packets from a sending entity to a receiving entity, wherein
19 a transmission delay between packets in the set is intolerable;

20 immediately thereafter, sending at least one "push" packet to avert a
21 transmission delay between packets in the set, wherein the "push" packet forces
22 the transmission of the set of packets by the communication device to avoid the
23 transmission delay is caused by packet buffering ~~of a~~ by the communication
24 device on the network.

1 **32. (CANCELED)**

2
3 **33. (CANCELED)**

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5 **34. (CURRENTLY AMENDED)** An apparatus comprising:

6 a processor;

7 a transmission-delay avoider executable on the processor to:

8 send a set of packets from a sending entity to a receiving entity
9 through a communication device, wherein a transmission delay between
10 packets in the set is intolerable;

11 immediately thereafter, send at least one “push” packet to avert a
12 transmission delay between packets in the set, wherein the “push” packet
13 forces the transmission of the set of packets by the communication device
14 to avoid the transmission delay ~~is caused by packet buffering of a~~ by the
15 communication device on the network.

16
17 **35. (CANCELED)**

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19 **36. (CANCELED)**

1 **37. (CURRENTLY AMENDED)** A modulated data signal having data
2 fields encoded thereon transmitted over a communications channel through a
3 communication device, comprising:

4 a first field including a first bandwidth-measurement packet;

5 a second field including a second bandwidth-measurement packet;

6 a third field including a “push” packet facilitating minimization of
7 transmission delay between the first and second packets, wherein the “push”
8 packet forces the transmission of the first and second packets by the
9 communication device to avoid the transmission delay is caused by packet
10 buffering of a by the communication device over the communication channel on
11 the network.

12
13 Claims 38-48 are CANCELED.

14
15 **49. (NEW)** A method as recited in claim 9, wherein the “push”
16 packet is sent from the sending entity.

17
18 **50. (NEW)** A method as recited in claim 9, wherein the
19 ~~transmission delay is caused by packet buffering of a communication device on~~
20 ~~the network, the communication device causing the transmission delay is neither~~
21 ~~the sending entity nor the receiving entity~~ comprises a device other than the
22 sending entity or the receiving entity.

1 **51. (NEW)** A method as recited in claim 9, wherein the packet
2 buffering causing the transmission delay is characterized by a buffering action
3 where one or more of the set of packets are buffered into a packet buffer, wherein
4 the transmission delay is a result of the packet buffering action ~~itself and not a~~
5 ~~result of filling or nearly filling the packet buffer.~~

6
7 **52. (NEW)** A method as recited in claim 26, wherein the “push”
8 packet is sent from the sending entity.

9
10 **53. (NEW)** A method as recited in claim 26, wherein the
11 ~~transmission delay is caused by packet buffering of a communication device on~~
12 ~~the network, the communication device causing the transmission delay is neither~~
13 ~~the sending entity nor the receiving entity~~ comprises a device other than the
14 sending entity or the receiving entity.

15
16 **54. (NEW)** A method as recited in claim 26, wherein the packet
17 buffering causing the transmission delay is characterized by a buffering action
18 where one or more of the set of packets are buffered into a packet buffer, wherein
19 the transmission delay is a result of the packet buffering action ~~itself and not a~~
20 ~~result of filling or nearly filling the packet buffer.~~